

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

<b>FlavaWorks Entertainment, Inc.,</b>	)	
<b>Blatino Media, Inc.,</b>	)	
<b>Plaintiff,</b>	)	<b>Case No. : 1:24-cv-09725</b>
	)	
<b>v.</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>John Doe 1, et al</b>	)	
<b>Defendants.</b>	)	

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY**

NOW COME the Plaintiffs, FlavaWorks Entertainment, Inc. and Blatino Media, Inc. (“Plaintiffs”), by and through their undersigned counsel, and respectfully move this Honorable Court for leave to file a Sur-Reply in opposition to Defendant Michael Shane Gordon’s Motion to Transfer Venue or Dismiss (Dkt. 122). In support thereof, Plaintiffs state as follows:

1. On September 5, 2025, Defendant filed a Motion to Transfer Venue or Dismiss (Dkt. 122), seeking transfer to the Northern District of Georgia pursuant to 28 U.S.C. § 1404(a).
2. On September 26, 2025, Plaintiffs filed their Response in Opposition (Dkt. 146), demonstrating that Defendant expressly consented to venue and jurisdiction in Illinois through his affirmative assent to Plaintiffs’ Terms of Service (“TOS”) and the governing forum-selection clause.
3. On October 10, 2025, Defendant filed a Reply (Dkt. 148). In that Reply, Defendant for the first time introduced new factual assertions and arguments not raised in his Motion, including but not limited to:

- a. Allegations concerning a purported bankruptcy of “Flava Works, Inc.,” a non-party entity unrelated to the named Plaintiffs;
- b. New claims of “forum shopping” and suggestions that Plaintiffs’ choice of forum should receive diminished deference;
- c. Assertions regarding judicial economy, docket congestion, and the alleged lack of an Illinois nexus, which were absent from his initial motion; and
- d. New implications challenging Plaintiffs’ copyright ownership and standing, issues not previously briefed.

4. These new factual and legal assertions materially expand the scope of Defendant’s arguments and go well beyond those presented in his opening Motion. Plaintiffs have not had an opportunity to address these newly raised matters.

5. A sur-reply is warranted to correct the record and respond to these new arguments. Courts in this District have consistently recognized that leave to file a sur-reply is appropriate when a reply brief raises new issues or introduces new evidence that would otherwise prejudice the non-movant. *See In re Dairy Farmers of Am., Inc. Cheese Antitrust Litig.*, 80 F. Supp. 3d 838, 860 (N.D. Ill. 2015)

6. Granting this Motion will ensure the record remains accurate and complete, and that the Court’s analysis of venue and jurisdiction rests on the correct factual foundation.

WHEREFORE For the foregoing reasons, Plaintiffs respectfully request that this Honorable Court grant leave to file a Sur-Reply in Opposition to Defendant’s Motion to Transfer Venue or Dismiss, and for such other and further relief as this Court deems just and appropriate.

Respectfully submitted,  
/s/Hameed Odunewu

FlavaWorks Entertainment, Inc. and  
Blatino Media, Inc.

By: s/ Hameed Odunewu

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